



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,538	09/29/2003	Bernard S. Green	26883	7499

7590

09/15/2006

Martin D. Moynihan
PRTSI, Inc.
P. O. Box 16446
Arlington, VA 22215

EXAMINER

ROGERS, JAMES WILLIAM

ART UNIT	PAPER NUMBER
----------	--------------

1618

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12 drawn to a method of treating heart disease, classified in class 424, subclass 528.
- II. Claim 1-7 and 14 drawn to a method of treating gallstone disease, classified in class 514, subclass 877.
- III. Claims 1-7 and 14, drawn to a method of treating colorectal cancer, classified in class 424, subclass 573.
- IV. Claims 1-7 and 14, drawn to a method for treating gastroesophageal reflux disease, classified in class 424, subclass 524.
- V. Claims 1-7 and 14, drawn to a method for treating esophageal cancer, classified in class 424, subclass 277.1.
- VI. Claims 1-7 and 15, drawn to a method for treating a disease characterized by a COX-2 mediated inflammatory condition, classified in class 424, subclass 78.05.
- VII. Claims 1-7 and 14, drawn to a method for treating cholestatic liver disease, classified in class 514, subclass 893.
- VIII. Claims 1-7 and 16-23, drawn to a method for performing combination therapy for treating a subject for disease, classified in class 424, subclass 78.08.

*Note if invention VIII is elected then applicants can further elect **TWO** of the treatments of disease listed in inventions I-VII.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-VIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different effects in their treatments of disease. While the inventions all share a common process in that the disease are said to all be treatable by MI polymers all of the diseases as disclosed would require a different search in the art for their treatments. For instance a treatment for heart disease in the art would not also encompass a treatment for gastroesophageal reflux disease or any of the other listed diseases in inventions I-VIII for instance.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Rogers, Ph.D. whose telephone number is (571) 272-7838. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Michael G. Hartley', with a stylized flourish at the end.

MICHAEL G. HARTLEY
SUPERVISORY PATENT EXAMINER